



General Assembly

**Substitute Bill No. 151**

January Session, 2009

\* SB00151APP 050609 \*

**AN ACT CONCERNING THE USE OF IGNITION INTERLOCK DEVICES  
IN MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (g) Any person who violates any provision of subsection (a) of this  
5 section shall: (1) For conviction of a first violation, (A) be fined not less  
6 than five hundred dollars or more than one thousand dollars, [and] (B)  
7 be (i) imprisoned not more than six months, forty-eight consecutive  
8 hours of which may not be suspended or reduced in any manner, or  
9 (ii) imprisoned not more than six months, with the execution of such  
10 sentence of imprisonment suspended entirely and a period of  
11 probation imposed requiring as a condition of such probation that  
12 such person perform one hundred hours of community service, as  
13 defined in section 14-227e, and (C) (i) have such person's motor vehicle  
14 operator's license or nonresident operating privilege suspended for  
15 one year, or (ii) have such person's motor vehicle operator's license or  
16 nonresident operating privilege suspended for six months and be  
17 prohibited for the one-year period following completion of such period  
18 of suspension from operating a motor vehicle unless such motor  
19 vehicle is equipped with a functioning, approved ignition interlock

20 device, as defined in section 14-227j; (2) for conviction of a second  
21 violation within ten years after a prior conviction for the same offense,  
22 (A) be fined not less than one thousand dollars or more than four  
23 thousand dollars, (B) be imprisoned not more than two years, one  
24 hundred twenty consecutive days of which may not be suspended or  
25 reduced in any manner, and sentenced to a period of probation  
26 requiring as a condition of such probation that such person perform  
27 one hundred hours of community service, as defined in section 14-  
28 227e, and (C) (i) have such person's motor vehicle operator's license or  
29 nonresident operating privilege suspended for three years or until the  
30 date of such person's twenty-first birthday, whichever is longer, or (ii)  
31 if such person has been convicted of a violation of subdivision (1) of  
32 subsection (a) of this section on account of being under the influence of  
33 intoxicating liquor or of subdivision (2) of subsection (a) of this section,  
34 have such person's motor vehicle operator's license or nonresident  
35 operating privilege suspended for one year and be prohibited for the  
36 two-year period following completion of such period of suspension  
37 from operating a motor vehicle unless such motor vehicle is equipped  
38 with a functioning, approved ignition interlock device, as defined in  
39 section 14-227j; and (3) for conviction of a third and subsequent  
40 violation within ten years after a prior conviction for the same offense,  
41 (A) be fined not less than two thousand dollars or more than eight  
42 thousand dollars, (B) be imprisoned not more than three years, one  
43 year of which may not be suspended or reduced in any manner, and  
44 sentenced to a period of probation requiring as a condition of such  
45 probation that such person perform one hundred hours of community  
46 service, as defined in section 14-227e, and (C) have such person's  
47 motor vehicle operator's license or nonresident operating privilege  
48 permanently revoked upon such third offense. For purposes of the  
49 imposition of penalties for a second or third and subsequent offense  
50 pursuant to this subsection, a conviction under the provisions of  
51 subsection (a) of this section in effect on October 1, 1981, or as  
52 amended thereafter, a conviction under the provisions of either  
53 subdivision (1) or (2) of subsection (a) of this section, a conviction  
54 under the provisions of section 53a-56b or 53a-60d or a conviction in

55 any other state of any offense the essential elements of which are  
56 determined by the court to be substantially the same as subdivision (1)  
57 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,  
58 shall constitute a prior conviction for the same offense.

59 Sec. 2. Subsection (i) of section 14-227a of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective*  
61 *October 1, 2009*):

62 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
63 whose license has been suspended in accordance with the provisions  
64 of subparagraph (C) (ii) of subdivision (1) or subparagraph (C)(ii) of  
65 subdivision (2) of subsection (g) of this section, as amended by this act,  
66 to operate a motor vehicle if (A) such person has [served not less than  
67 one year of such] completed the required period of such suspension,  
68 and (B) such person has installed an approved ignition interlock device  
69 in each motor vehicle owned or to be operated by such person. No  
70 person whose license is suspended by the commissioner for any other  
71 reason shall be eligible to operate a motor vehicle equipped with an  
72 approved ignition interlock device. (2) All costs of installing and  
73 maintaining an ignition interlock device and all processing and other  
74 administrative costs related to such person's compliance with the  
75 provisions of this subsection shall be borne by the person required to  
76 install such device. (3) The commissioner shall adopt regulations, in  
77 accordance with the provisions of chapter 54, to implement the  
78 provisions of this subsection. The regulations shall establish  
79 procedures for the approval of ignition interlock devices, for the  
80 proper calibration and maintenance of such devices and for the  
81 installation of such devices by any firm approved and authorized by  
82 the commissioner. (4) The provisions of this subsection shall not be  
83 construed to authorize the continued operation of a motor vehicle  
84 equipped with an ignition interlock device by any person whose  
85 operator's license or nonresident operating privilege is withdrawn,  
86 suspended or revoked for any other reason. (5) The provisions of this  
87 subsection shall apply to any person whose license has been  
88 suspended in accordance with the provisions of subparagraph (C) (ii)

89 of subdivision (2) of subsection (g) of this section, as amended by this  
90 act, on or after September 1, 2003.

91 Sec. 3. Section 14-227f of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective October 1, 2009*):

93 (a) Any person whose motor vehicle operator's license or  
94 nonresident operating privilege is suspended under subsection (g) of  
95 section 14-227a, as amended by this act, for a conviction of a violation  
96 of subsection (a) of said section or under section 14-227b for a second  
97 or subsequent time shall participate in a treatment program which  
98 includes an assessment of the degree of alcohol abuse and treatment,  
99 as appropriate, approved by the Commissioner of Motor Vehicles. The  
100 commissioner shall not reinstate the operator's license or nonresident  
101 operating privilege of any such person (1) whose license has been  
102 suspended in accordance with the provisions of subdivision (1) of  
103 subsection (g) of section 14-227a, as amended by this act, until such  
104 person submits evidence to the commissioner that such person is  
105 participating in the treatment program, or (2) whose license has been  
106 suspended in accordance with the provisions of subdivision (2) or (3)  
107 of subsection (g) of section 14-227a, as amended by this act, or under  
108 section 14-227b for a second or subsequent time until such person  
109 submits evidence to the commissioner that such person has  
110 satisfactorily completed the treatment program. Any person whose  
111 certificate is suspended or revoked pursuant to section 15-133, 15-140l  
112 or 15-140n shall participate in such treatment program.

113 (b) The treatment program shall be designed by the commissioner,  
114 with the advice and assistance of the Motor Vehicle Operator's License  
115 Medical Advisory Board established pursuant to section 14-46b, any  
116 state agency or any other public or private entity engaged in the  
117 provision of responsible services for the treatment of alcohol and drug  
118 addiction as the commissioner may request. The program shall consist  
119 of intensive treatment and a phase of continuing aftercare supervision  
120 and monitoring on an individual basis. The program may be provided  
121 by one or more private organizations approved by the commissioner

122 which meet qualifications established by him, provided the entire costs  
123 of the program shall be paid from fees charged to the participants, the  
124 amounts of which shall be subject to the approval of the commissioner.

125 (c) Upon receipt of notification from the commissioner of the  
126 requirement to participate in the program, such person may, within  
127 thirty days, petition the commissioner in writing for a waiver of such  
128 requirement on the following grounds: (1) The petitioner is presently  
129 undergoing a substantial treatment program for alcohol or drug  
130 addiction, or has completed such a program subsequent to his most  
131 recent arrest, either as a result of an order of the Superior Court or on a  
132 voluntary basis, and (2) the petitioner does not, in the opinion of a  
133 licensed physician based upon a personal examination, have a current  
134 addiction problem which affects his ability to operate a motor vehicle  
135 in a safe manner or pose a significant risk of having such a problem in  
136 the foreseeable future. In reviewing and determining whether to grant  
137 any such petition, the commissioner shall request and give due  
138 consideration to the advice of the Motor Vehicle Operator's License  
139 Medical Advisory Board. Any person aggrieved by the decision of the  
140 commissioner may appeal such decision in accordance with the  
141 provisions of chapter 54.

142 (d) The commissioner shall adopt regulations in accordance with  
143 chapter 54 to implement the provisions of this section.

144 Sec. 4. Subdivision (2) of subsection (k) of section 14-111 of the  
145 general statutes is repealed and the following is substituted in lieu  
146 thereof (*Effective October 1, 2009*):

147 (2) Any person whose license has been revoked in accordance with  
148 subparagraph (C) of subdivision (3) of subsection (g) of section 14-  
149 227a, as amended by this act, on or after October 1, 1999, may, at any  
150 time after six years from the date of such revocation, request a hearing  
151 before the commissioner, conducted in accordance with the provisions  
152 of chapter 54, and the provisions of subdivision (1) of this subsection  
153 for reversal or reduction of such revocation. The commissioner shall

154 require such person to provide evidence that any reversal or reduction  
 155 of such revocation shall not endanger the public safety or welfare.  
 156 Such evidence shall include, but not be limited to, proof that such  
 157 person has successfully completed an alcohol education and treatment  
 158 program, and proof that such person has not been convicted of any  
 159 offense related to alcohol, controlled substances or drugs during the  
 160 preceding six years. The commissioner shall require any person, as a  
 161 condition of granting such reversal or reduction, to install and  
 162 maintain an approved ignition interlock device, in accordance with the  
 163 provisions of subsection (i) of section 14-227a, as amended by this act.  
 164 The approved ignition interlock device shall be installed and  
 165 maintained from the date such reversal or reduction is granted until  
 166 [ten] four years has passed since the date of such [revocation] reversal  
 167 or reduction. The commissioner may adopt regulations, in accordance  
 168 with the provisions of chapter 54, to establish standards to implement  
 169 the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	14-227a(g)
Sec. 2	October 1, 2009	14-227a(i)
Sec. 3	October 1, 2009	14-227f
Sec. 4	October 1, 2009	14-111(k)(2)

**APP**      *Joint Favorable Subst.*